

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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MALCOLM BROOKS,

Plaintiff,

V.

BRIAN T. MOYNIHAN, et al.,

Defendants.

Case No. 2:18-cv-01104-APG-BNW

ORDER

Presently before the court is pro se plaintiff *forma pauperis* (ECF No. 1), filed on May 21, 2019, undersigned magistrate judge on May 3, 2019.

Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$400 filing fee is required to commence a civil action in federal court. A person who is unable to pay the filing fee may request the court's permission to proceed *in forma pauperis* ("IFP"), meaning without paying the \$400 filing fee. *See* 28 U.S.C. § 1915(a)(1); LSR 1-1. It is within the court's discretion to make a factual inquiry into a plaintiff's financial status and to deny an IFP application if an individual is unable or unwilling to verify his poverty. *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981). If the court determines that an individual's allegation of poverty is untrue, "it shall dismiss the case." 28 U.S.C. § 1915(e)(2)(A).

Here, Brooks filed an IFP application, but he did not complete any of the information on the form except for completing the caption and signing and dating the form. Brooks' failure to complete the form makes it impossible for the court to evaluate whether Brooks is eligible to proceed IFP. The court therefore will deny the IFP application without prejudice for Brooks to complete the form.

1 IT IS THEREFORE ORDERED that Brooks' application to proceed *in forma pauperis*
2 (ECF No. 1) is DENIED without prejudice.

3 IT IS FURTHER ORDERED that the clerk of court must send Brooks the approved form
4 application for a non-inmate to proceed *in forma pauperis*, as well as the accompanying
5 instruction packet.

6 IT IS FURTHER ORDERED that by November 21, 2019, Brooks must either: (1) file a
7 complete application to proceed *in forma pauperis* in compliance with 28 U.S.C. § 1915(a)(1) and
8 LSR 1-1; or (2) pay the full \$400 fee for a civil action, which includes the \$350 filing fee and the
9 \$50 administrative fee. Brooks is advised that failure to comply with this order will result in a
10 recommendation to the United States district judge assigned to this case that Brooks' case be
11 dismissed.

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13 DATED: October 21, 2019

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16 BRENDAL WEKSLER
17 UNITED STATES MAGISTRATE JUDGE
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